

TMG
Mag. Straubridge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

FEB 19 2010

DERRICK STEVENS,
Petitioner,

CIVIL ACTION

v.

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

JEFFREY A. BEARD, Ph.D., et al.,
Respondents.

NO. 09-3930

EXPLANATION AND ORDER

Petitioner initiated this habeas action pursuant to 28 U.S.C. § 2254 on or about August 25, 2009. In submissions dated November 23, 2009, he moved for the appointment of habeas corpus counsel (Doc. 5) and for an evidentiary hearing (Doc. 4). On December 9, 2009, the Honorable Thomas M. Golden referred the matter to the undersigned for a Report and Recommendation. On December 11, 2009, we directed Respondents to file their Answer to the petition, as well as to respond to the two pending motions. On January 29, 2010, we granted Respondents' request for an extension of time until March 15, 2010 to file their answer. Our orders calling for the filing of Respondents' answer have advised Petitioner that he will be allowed thirty days thereafter to file any reply he may wish to make.

We are in receipt of the attached letter from Petitioner addressed to the undersigned and dated February 10, 2010, in which he reiterates his request for the appointment of counsel to assist him in filing a reply or a memorandum of law.¹ We expect to receive, on or before March 15,

¹ Petitioner also requests that we "forward [him] an updated Docket Sheet[.]" We refer him to the website for the Clerk's Office, which provides that a copy of an electronic docket sheet may be obtained by submitting a request in writing or by fax (215-597-6390) "to the correspondence department in the Clerk's Office" and that the cost is \$.50 per page. "Alternatively, you may obtain the docket through the PACER system. The cost is \$.08 per page of electronic (continued...)"

2010, Respondents' answer to the habeas petition and his motion for appointment of counsel. We expect at that time to be in a more appropriate position to assess whether "the interests of justice ... require" the appointment of counsel in this case. *See* 18 U.S.C. § 3006A(a)(2), (a)(2)(B).

AND NOW, this 19th day of February, 2010, upon consideration of Petitioner's letter of February 10, 2010 and in light of the foregoing explanation, **IT IS ORDERED** that a ruling upon Petitioner's request for the appointment of counsel is **DEFERRED** until receipt of Respondents' answer to his petition.

BY THE COURT:



DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

¹(...continued)
access (via the Internet)." *See* <http://www.paed.uscourts.gov/us11000.asp> ("Frequently Asked Questions" page of Clerk's Office website).